

1979 WL 42922 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 12, 1979

*1 Ms. Daisy Smith Proctor
3818 W. Montague Avenue
Charleston Heights, South Carolina 29405

Dear Ms. Proctor:

Congressman Mendel Davis referred to this office your letter of April 2, 1979, in which you questioned the legality of holding a ceramic show on a Sunday.

Pursuant to [Section 53-1-40 of the 1976 Code](#) of Laws, three separate offenses are defined: (1) engaging in worldly work, labor or business of one's ordinary calling on Sunday; (2) selling or offering to sell, publicly or privately or by telephone, at retail or wholesale to the consumer any goods, wares or merchandise on Sunday; (3) employing others to engage in work, labor, business or selling or offering to sell any goods, wares, or merchandise on Sunday. The section excepts 'works of necessity or charity' from the referenced prohibitions.

Enclosed please find a copy of a recent opinion of this office which indicated that the sale of ceramics, which do not come within the definition of a souvenir, is prohibited on Sunday. However, you indicate that your show is 'mostly a display' and you do not indicate that any items will be sold. Therefore, if no items are offered for sale, and your show on a Sunday is strictly display only, it would not appear to be prohibited by [Section 53-1-40](#).

Hopefully this is in full response to your inquiry.

Sincerely,

Charles H. Richardson
Assistant Attorney General

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